IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 25850 of 2006(B)

PETITIONERS:
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1. V. KRISHNAN, AGED 60 YEARS, S/O. SANKARAN, AGRICULTURIST RESIDING AT MADANTHAKOD, KOLATHUR P.O., KOLATHUR VILLAGE, KASARGOD TALUK.

2. T. GOPALAN, AGED 41 YEARS, S/O.P. RAMAN, KUTTIYANAM, KOLATHUR VILLAGE, KASARAGOD DISTRICT.

3. P. KUNHITHEEYAN, BAVIKARAYADKAM, KOLATHUR VILLAGE, KASARAGOD.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS:
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1. SUPERINTENDENT OF POLICE, KASARAGOD DISTRICT.

2. STATION HOUSE OFFICER,BEDADKA POLICE STATION, KASARGOD DISTRICT.

3. P. SURESH, S/O. ACHUTHAN, CHARAKADAVU, P.O. KOLATHUR, PRESIDENT `KUZHALKINAR VIRUDHA SAMITHI', KASARGOD DISTRICT.

ADDL.4. BEDAKAM GRAMA PANCHAYAT, REPRESENTED BY THE SECRETARY, BEDAKAM P.O., VIA.CHENGLA, KASARGOD DISTRICT.

(ADDL.R4 IS IMPLEADED AS PER ORDER DATED 17.10.2006 IN I.A.NO.14367/06)

R1 & R2 BY GOVERNMENT PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.25850/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE FEASIBILITY CERTIFICATE OBTAINED BY THE 1ST PETITIONER FROM THE DISTRICT GROUND WATER DEPARTMENT.

EXT.P2: TRUE COPY OF THE JUDGMENT DATED 22/5/2006 IN WPC NO.11300/06.

EXT.P3: TRUE COPY OF THE JUDGMENT DATED 22/5/2006 IN WPC NO.22434/06.

EXT.P4: TRUE COPY OF THE JUDGMENT DATED 22/5/2006 IN WPC NO.12343/2006.

EXT.P5: TRUE COPY OF THE PERMIT ISSUED BY THE GROUND WATER AUTHORITY TO 1ST PETITIONER.

EXT.P6: TRUE COPY OF THE PERMIT ISSUED BY THE GROUND WATER AUTHORITY TO 2ND PETITIONER.

EXT.P7: TRUE COPY OF THE PERMIT ISSUED BY THE GROUND WATER AUTHORITY TO 3RD PETITIONER.

EXT.P8: TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE DIRECTOR GENERAL OF POLICE.

EXT.P9: TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 2ND RESPONDENT.

// TRUE COPY //

TKS

J.B.KOSHY & K.PADMANABHAN NAIR,JJ.

W.P.(C)NO.25850 OF 2006

Dated 19th December, 2006

JUDGMENT

Koshy,J.

This is a petition for police protection. The complaint is that even though petitioners have valid permit, third respondent and his supporters are obstructing the construction of bore well. Respondents 1 and 2 filed a statement stating that local people are objecting the construction of bore well. Objection of local people without any legal ground is not a question to be considered. If petitioners have valid permit as can be seen from Exts.P5 to P7, it is the duty of the police to give adequate protection. If environmental requirement is otherwise, it is for the statutory authorities to reconsider the permit and issue such directions. But, in the absence of any prohibitory orders, merely because somebody is objecting ,the legal activities cannot be prohibited and so long as valid permits are there, police should give adequate protection. The aggrieved parties cannot take law into their hands. If there is any environmental problems or legal objection, it is for them to approach the statutory authorities or civil court and get appropriate prohibitory orders. Petitioners also should use the water only for domestic purposes as mentioned in the permit and not for any other purposes.

2. In the above circumstances, police shall give sufficient protection to the petitioners and their family members so long as they are doing the work only as per the lawful permits granted.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

K.PADMANABHAN NAIR
JUDGE

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